

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FRANCISCO J. JIMENEZ,

Petitioner,

vs.

BRIAN E. WILLIAMS, et al.,

Respondents.

Case No. 2:16-cv-01054-RFB-GWF

ORDER

Petitioner has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He challenges his custody pursuant to the judgment of conviction of the Eighth Judicial District Court of the State of Nevada, Case No. C-10-267065-1. Petitioner already has an open action in this court that challenges his custody pursuant to the same judgment of conviction, Jimenez v. Williams, Case No. 2:14-cv-01916-APG-CWH. The court will dismiss this action because it is redundant.

“AEDPA generally limits a petitioner to one federal habeas corpus motion and precludes “second or successive” habeas corpus petitions unless the petitioner meets certain narrow requirements. The statute provides that a claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless it relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable or on newly discovered facts that show a high probability of actual innocence.” Jones v. Ryan, 733 F.3d 825, 834 (9th Cir. 2013) (internal quotations and citations omitted).

Reasonable jurists would not find the court’s conclusion to be debatable or wrong, and the court will not issue a certificate of appealability.

1 IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice. The clerk
2 of the court shall enter judgment accordingly and close this action.

3 IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel (ECF No. 2)
4 is **DENIED** as moot.

5 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

6 DATED: February 8, 2017.

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9 RICHARD F. BOULWARE, II
United States District Judge

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